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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 **JASON J. PAYNE,**

14 Petitioner,

15 v.

16 **JOE MCGRATH, Warden,**

17 Respondent.
18

C 07-4712 JSW (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
ENLARGEMENT OF TIME**

19 I, Catherine A. Rivlin, declare under penalty of perjury as follows:

20 I am the California Deputy Attorney General assigned to handle the above-encaptioned
21 case. I have obtained the appellate file and requested any additional state record, and have organized
22 the available materials for copying. I was the responsible deputy on the direct appeal and thus have
23 familiarity with the case, issues, and facts. However the press of earlier assigned and emergency
24 reassignment cases has prevented my devoting substantial attention to this case to date. As noted
25 in my prior request, I had to take over three cases, all due immediately, from a colleague I supervise
26 who went on a family medical leave and is now leaving the office. Thus, in the most recent 30 days,
27 I have completed on his behalf, a writ opposition *In re Brown*, A12098, and two substantial briefs
28 *People v. Winters*, A116052, and *People v. Brockman*, A115903. I am making substantial progress

Decl. of Counsel in Supp. of Appl. for Enl. of Time

Jason J. Payne v. Joe McGrath, Warden
C 07-4712 JSW (PR)

1 on two earlier-assigned cases of my own (*Joseph v. Curry*, 07-15224, and *People v. Parker*,
2 A117498). I hope to have them completed in the next two weeks so that I can complete this
3 assignment during May. I have not attempted to contact petitioner, who is representing himself in
4 this proceeding, because he is incarcerated in state prison and cannot be conveniently reached.

5 I declare under penalty of perjury of the laws of the State of California and the United
6 States of America that the foregoing is true and correct. Executed at San Francisco, California on
7 April 28, 2008.

8
9 Respectfully submitted,

10 EDMUND G. BROWN JR.
Attorney General of the State of California

11 DANE R. GILLETTE
Chief Assistant Attorney General

12 GERALD A. ENGLER
Senior Assistant Attorney General

13 PEGGY S. RUFFRA
Supervising Deputy Attorney General

14
15
16 /s/ Catherine A. Rivlin

17 _____
CATHERINE A. RIVLIN
18 Supervising Deputy Attorney General
Attorneys for Respondent
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Jason J. Payne v. Joe McGrath, Warden*

No.: **C 07-4712 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 28, 2008, I served the attached:

**1. APPLICATION FOR ENLARGEMENT OF TIME TO
FILE ANSWER OR RESPONSIVE MOTION;
2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF
APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jason J. Payne
SPN# V-26575
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95531-7000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 28, 2008, at San Francisco, California.

J. Espinosa
Declarant

/s/ J. Espinosa
Signature